

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Chester Paninski

Case Number: 5:03CR00221-002

Name of Sentencing Judicial Officer: Honorable Howard G. Munson,
Senior U.S. District Judge

Date of Original Sentence: October 15, 2004

Original Offense: Possession of a Firearm By A Drug User, 18 U.S.C. 922(g)(3)

Original Sentence: 5 months imprisonment, 3 years supervised release

Type of Supervision: Supervised Release Date Supervision Commenced:
February 24, 2005

PETITIONING THE COURT

☐ To extend the term of supervision for years, for a total term of years.

☒ **To modify the conditions of supervision as follows:**

1. You shall serve 6 months in home detention, commencing on a date and under conditions to be set by the probation officer. If you are placed in the electronic monitoring program, you shall pay all costs associated with the program according to your ability to pay as determined by the probation officer.
2. You shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the United States Probation Office.

CAUSE

On August 28, 2005, the defendant submitted a diluted drug test. On October 5, 2005 and October 28, 2005, the defendant failed to report for a drug test. On November 4, 2005, Paninski admitted to this officer he had went on a crack cocaine binge on or about October 27, 2005, using approximately \$600 in cocaine.

In response to his drug use, The defendant has been returned to the highest drug testing level, his office reporting has been increased and he is being referred to Syracuse Behavioral Healthcare (SBH) for substance abuse treatment. Paninski seems to be able to maintain stability when he has

structure and a consistent schedule. As part of his original sentence, he was ordered to serve five (5) months on home detention. During this home detention period, which ended on August 21, 2005, the defendant appeared stable and compliant. Therefore, it is requested the Court modify his conditions to include a six (6) month term of home detention. Additionally, based on concerns from his family and Paninski's own admissions, mental health treatment may be needed to assist the defendant in addressing his specific recovery issues and identified possible psychological issues.

Paninski is agreeable with this modifications and he signed the Waiver for a Modification Hearing. If the Court agrees to the proposed modification, Probation Form 12B and Probation Form 49 will need to be filed with the Clerk's Office with a certified copy returned to the Probation Office. Therefore, with exception to the recommended modification, no further action is requested at this time. If Paninski continues to fail to comply with his conditions, we will notify the Court with a request for further action.

Respectfully submitted,

PAUL W. DeFELICE
Chief U.S. Probation Officer

by: Mark Walker
MARK WALKER
Senior U.S. Probation Officer
Date: 11/07/2005

Approved by: Lori Albright
LORI ALBRIGHT
Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ **The Modification of Conditions as Noted Above**
☐ Other

Farvada S. Munson
Signature of Judicial Officer

Date

11/18/2005

PROB 49
NNYrev.9/02

Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

1. You shall serve 6 months in home detention, commencing on a date and under conditions to be set by the probation officer. If you are placed in the electronic monitoring program, you shall pay all costs associated with the program according to your ability to pay as determined by the probation officer.
2. You shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the United States Probation Office.

Witness:

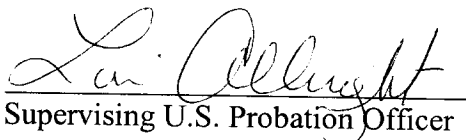


Senior U.S. Probation Officer

Signed:



Chester Paninski
Supervised Releasee


Supervising U.S. Probation Officer


Date